



JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atty. Docket:

Hall *et al.*

907A.0141.U1(US)

Serial No.: 10/820,347

Art Unit: 2611

Filed: April 7, 2004

Examiner: Timory, Kabir A.

Customer No.: 29683

Confirmation No.: 8144

Title: Digital Communications Method and System for Communicating Over Channels
With Block Fading and Burst Jamming

Interview Summary

During an interview that occurred on April 16, 2009 in the case, Applicants' undersigned representative explained to the Examiner that Ling may replace symbols with zeros as part of a coordinate puncturing operation occurring at the receiver, but that this was not enough because Ling did not describe or suggest the remaining elements required by Applicants' claims. In particular, Applicants' representative suggested amendments. The amendments make clear that Applicants' invention determines which symbols have been degraded by a symbol degrading event and replaces those symbols. Since the Ling zero-insertion operations result from a bit-rate adjustment and not from detection of a symbol degrading event, Ling cannot describe or suggest the necessary additional elements of the independent claims. Further, Applicants' representative determined that the Examiner silently has been applying a legal standard without citation – that Applicants' claims run afoul of a purported injunction that one cannot claim a new use for an old apparatus. The Examiner is in error for two reasons – the Examiner has not supplied the requisite citations that support his rejection and the Examiner has misapplied the law. No agreement was reached.

Respectfully submitted,

May 20, 2009
Date

David M. O'Neill
David M. O'Neill (35,304)

Customer No.: 29683

HARRINGTON & SMITH PC
4 Research Drive
Shelton, CT 06484-6212
Telephone: (203) 925-9400
Facsimile: (203) 944-0245
Email: DOneill@hspatent.com



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450 on the date indicated.

May 20, 2009

Date

Donald M. O'Neill

Name of Person Making Deposit